IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 33754 of 2006(R)

PETITIONER:

SHAINY P.,
D/O.PONNAYYAN, AGED 26 YEARS, RESIDING AT
SAJI NIVAS, T.C.6/1905, SRA-108,
KOOTHU ROAD, VATTIYOORKAVU,
THIRUVANANTHAPURAM- 695 013.

BY ADV. DR.K.P.KYLASANATHA PILLAY
SRI.V.SADASIVAN
SRI.M.AYYOOBUKHAN
SMT.K.L.SREEKALA
SMT.SREEDEVI KYLASANATH

RESPONDENTS:

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1. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY,
OFFICE OF THE K.P.S.C., THIRUVANANTHAPURAM-4.

2. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-1.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONER'S EXHIBITS:

EXT.P1	TRUE COPY OF THE COMMUNCIATION NO.GR/A(3) 21531/05/GW DTD.16.9.2006 ISSUED BY PSC.
EXT.P2	TRUE COPY OF THE RELEVANT APGE OF THE SSLC BOOK OF THE EPTITIOENR.
EXT.P3	TRUE COPY OF THE CERTIAFICATE DTD.8.9.2006 ISSUED BY VILLAGE OFFICER, VATTIYOORKAVU TO THE PETITIONER.
EXT.P4	TRUE COPY OF NOTIFICATION OF THE IST RESPONDENT IN CATEGORY NO.174/2005 DTD.10.11.2006.
EXT.P4a	TRUE COPY OF RELEVANT PORTIONS OF LIST OF 704 CANDIDATES SELECTED IN THE MAIN LIST.
EXT.P5	TRUE COPY OF APPLN.DTD.18.11.2006 SUBMITTED BY THE PETITIOENR BEFORE THE TAHSILDAR, THIRUVANANTHAPURAM TALUK.
EXT.P6	TRUE COPY OF CERTIFICATE DTD.18.11.2006 ISSUED BY TAHSILDAR, THIRUVANANTHAPURAM.
EXT.P7	TRUE COPY OF REPN.DTD.20.11.2006 SUBMITTED BY PETITIOENR BEFORE IST RESPONDENT.
EXT.P7a	TRUE COPY OF RECEIPT ON REGISTARATION ISSUED BY THE POSTAL AUTHORITIES.
EXT.P8	TRUE COPY OF REPN.DTD.11/12/2006 SUBMITTED BY THE PETITIOENR BEFORE THE HON'BLE CHIEF MINISTER OF KERALA.

TRUE COPY

P.A.TO JUDGE

K.BALAKRISHNAN NAIR,J

W.P.(C)NO.33754 of 2006

Dated this the 19th day of July, 2007

JUDGMENT

The petitioner was an applicant for appointment to the post of Assistant Surgeon under the second respondent. Petitioner's father belongs to Latin Catholic other than Anglo Indian community and her mother belongs to Ezhava community. In the SSLC book her caste is shown as Ezhava. So in the application submitted to the PSC, she claimed that she belongs to Ezhava Community. But the Village Officer issued Ext.P3 certificate showing that the petitioner belongs to Latin Catholic other than Anglo Indian community. Though the certificate was produced before the Public Service Commission, she was not granted Latin Catholic status and her name was included in the rank list as open competition candidate. She obtained Ext.P6 certificate from the Tahsildar Thiruvananthapuram stating that she belongs to Christian Latin Catholic Community other than Anglo Indian. With the said certificate, she moved PSC by filing Exts.P7 and P8 representations. Thereafter this writ petition is filed seeking reliefs to include her in the rank list as one belonging to Latin Catholic community.

2. The Public Service Commission has filed a counter affidavit stating that in the application submitted by her she claimed that her caste is Ezhava. Since the petitioner failed to prove that caste status, she has been included in the open competition quota. The petitioner has not filed any reply affidavit.

3. Heard the learned counsel on both sides. Since the petitioner claimed that her caste is Ezhava in the application form submitted before the PSC, her claim that now her caste should be shown as Latin Catholic in the rank list cannot be accepted. I find nothing illegal with the action of the PSC in not entertaining the representations of the petitioner. Accordingly, the writ petition fails and it is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE

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